

## REGULATION OF SHIPMENTS

**§ 918.60 By grades and sizes.**

(a) *Industry Committee recommendations.* Whenever the Industry Committee deems it advisable to limit the shipment of any variety or varieties of peaches, it shall recommend to the Secretary the grades or sizes, or both, thereof deemed advisable by it to be shipped during a specified period or periods; and any such recommendation may include a proposal that separate requirements be made applicable to shipments of any such variety or varieties of peaches to destinations in adjacent markets different from the proposed grade and size limitations applicable to shipments of the same variety to destinations other than in adjacent markets. At the time of submitting each such recommendation, the Industry Committee shall submit to the Secretary the supporting data and information upon which it acted in making such recommendation, and shall give consideration, among other things, to the factors required to be considered in connection with the marketing policy. The committee shall submit such other data and information as may be requested by the Secretary. The committee shall promptly give adequate notice to handlers and growers of each such recommendation submitted by it to the Secretary.

(b) *Establishment of grade and size regulations.* Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee or from other available information, that to limit the shipment of any variety or varieties of peaches to particular grades or sizes, or both, would tend to effectuate the declared policy of the act, he shall so limit the shipment of peaches during a specified period or periods; and any such regulation may prescribe separate requirements for shipments of any such variety or varieties of peaches to destinations in adjacent markets different from the grade and size limitations applicable to shipments of the same variety to destinations other than in adjacent markets. The Secretary shall immediately notify the committee of the issuance of each such regulation, and the committee shall promptly give ade-

quate notice thereof to handlers and growers.

(c) *Safeguards.* The Industry Committee may, with the approval of the Secretary, prescribe adequate safeguards to prevent peaches that are permitted to be shipped only to destinations in adjacent markets from being shipped to destinations other than in adjacent markets.

**§ 918.61 By minimum standards of quality and maturity.**

(a) *Industry Committee recommendation.* Whenever the Industry Committee deems it advisable to establish minimum standards of quality or maturity, or of both quality and maturity, to govern shipments of peaches, it shall recommend to the Secretary the particular minimum standards which shipments of peaches must meet. Each such recommendation of the committee shall be in terms of (1) maturity; (2) minimum standards of quality, including but not being limited to, freedom from damage by worms and worm holes and freedom from decay, or (3) any combination or combinations of the foregoing. At the time of submitting each such recommendation to the Secretary, the Industry Committee shall also submit the supporting data and information upon which it acted in making such recommendation. The said committee shall also furnish such other data and information as may be requested by the Secretary.

(b) *Establishment of minimum standards of quality and maturity.* Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee, or from other available information, that to establish minimum standards of quality or maturity, or of both quality and maturity, for peaches and to limit the shipment of peaches to those meeting such minimum standards would be in the public interest and would tend to effectuate the declared policy of the act, he shall establish such standards, and so limit the shipment of peaches during a specified period or periods. The Secretary shall immediately notify the Industry Committee of the minimum standards so established.

**§918.61a Container regulation.**

Whenever the Industry Committee deems it advisable to establish a container regulation for any variety or varieties of peaches, it shall recommend to the Secretary the size, capacity, weight, marking, or pack of the container, or containers, which may be used in the handling of these peaches. If the Secretary finds upon the basis of such recommendation or other information available that such container regulation would tend to effectuate the declared policy of the Act the Secretary shall establish such regulation. Notice thereof shall be sent by the Industry Committee to all handlers of record.

[55 FR 1381, Jan. 16, 1990]

**§918.62 Exemption certificates.**

In the event peaches are regulated pursuant to §918.60 or §918.61, the committee shall issue one or more exemption certificates to any grower who furnishes evidence satisfactory to the Industry Committee that, by virtue of conditions beyond his control, he will be prevented by reason of such regulation from having as large a proportion of a particular variety of his peaches shipped to adjacent markets or to other markets, respectively, as the average proportion of all such peaches which may be so shipped by all growers in the area. Such exemption certificate shall permit the respective grower to whom the certificate is issued to ship, or have shipped, a percentage of his crop of such variety of peaches equal to the percentage determined as aforesaid. The Industry Committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued to growers. Such exemption certificates may be transferred to handlers when accompanied by peaches covered by such certificates.

**§918.63 Modification, suspension, or termination.**

Whenever the Industry Committee deems it advisable to recommend the modification, suspension, or termination of any or all of the regulations established pursuant to §§918.60 and 918.61a, it shall so recommend to the

Secretary. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information, that to modify any such regulations will tend to effectuate the declared policy of the act, he shall so modify such regulations. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information, that any such regulations obstruct or do not tend to effectuate the declared policy of the act he shall suspend or terminate such regulations. The Secretary shall immediately notify the Industry Committee, and such committee shall promptly give notice to handlers and growers, of each order modifying, suspending, or terminating any such regulations. In like manner and upon the same basis the Secretary may terminate any such modification or suspension.

[20 FR 1635, Mar. 18, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 55 FR 1381, Jan. 16, 1990]

## INSPECTION AND CERTIFICATION

**§918.64 Inspection.**

(a) During any period in which the shipment of peaches is regulated pursuant to the provisions of this part, each handler shall, prior to making each shipment of peaches, cause each such shipment to be inspected by the Federal Inspection Service or the Federal-State Inspection Service or any other inspection service designated by the Secretary, unless such regulation provides that this requirement shall not be applicable to any shipment of peaches in bulk to the adjacent markets: *Provided*, That this requirement shall not be applicable to any shipment of peaches which has been so inspected or which is exempt pursuant to §918.71. Each handler shall, promptly after making each shipment of peaches, submit to the Industry Committee a copy of the inspection certificate or memorandum issued with respect to such shipment of peaches; and such certificate or memorandum shall state the maturity of the peaches in such shipment and in the event of grade regulation such certificate or memorandum shall also state the grade or grades of peaches in such shipment, and in the